

### REMARKS

Favorable reconsideration of this application is respectfully requested.

Initially, applicants note that returned with the outstanding Office Action is a form PTO-1449 for an Information Disclosure Statement (IDS) filed on May 16, 2005. That form PTO-1449 apparently inadvertently did not initial references AQ, AR, and AS as considered. However, applicants note that with the previous Office Action of November 24, 2006 the returned form PTO-1449 did properly acknowledge consideration of those references AQ, AR, and AS, and thus applicants believe those references have been considered.

Claims 1, 3-10, 12-14, and 17-22 are pending in this application. Claims 2 and 3 are canceled by the present response without prejudice. Claims 1, 3-10, and 12-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over WO 99/38167 indicated as corresponding to Kikuchi, and U.S. patent application publication 2001/0016108 to Itoh et al. (herein "Itoh").<sup>1</sup> Claim 2 was rejected under 35 U.S.C. § 103(a) as unpatentable over Kikuchi and Itoh as applied to claims 1, 3-10, and 12-14, and further in view of U.S. patent 6,005,679 to Haneda. Claims 17-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kikuchi and Itoh as applied to claims 1, 3-10, and 12-14, and further in view of U.S. patent 6,357,042 to Srinivasan et al. (herein "Srinivasan").

Addressing the above-noted rejections, those rejections are traversed by the present response.

The claims are amended by the present response to clarify features recited therein. Specifically, independent claim 1 now clarifies "said menu thumbnail picture and mark thumbnail picture being generated as respective independent files of a menu thumbnail file and a mark thumbnail file". That feature was previously recited in dependent claim 2.

Independent claim 1 now also further recites:

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<sup>1</sup> The statement for the rejection on page 3 of the Office Action indicates reference 6,005,679 as corresponding to Kikuchi, but in fact Kikuchi corresponds to U.S. patent 6,553,180, which appears to be the basis for the rejection. If that understanding of the rejection is incorrect, clarification is requested.

wherein said menu thumbnail file includes only one thumbnail picture per a playlist, the playlist indicating a database of a group of playback domains of the input moving picture data, and

wherein said menu thumbnail picture is selected from a picture of contents or a picture stored in an external device.

The above-noted claim features are fully supported by the original specification for example at page 28, line 1 et seq, and in Figures 17 and 18. The other independent claims are similarly amended as in independent claim 1 noted above.

The features recited in the claims are believed to clearly distinguish over the applied art.

The claims are directed to a recording or reproducing system or method in which two different types of thumbnail pictures are separately and independently generated. One thumbnail picture is representative of contents of moving picture data, i.e., summarizes the moving picture data. That thumbnail is referred to as a menu thumbnail picture as it is mainly used, e.g., in a menu picture to permit a user to select the picture desired to be viewed in a cursor.<sup>2</sup> The other type of thumbnail is a mark thumbnail that can, e.g., represent a scene pointed to by a mark.<sup>3</sup>

As also shown for example in Figures 17 and 18 in the present specification, the two different thumbnails, both a menu thumbnail and a mark thumbnail, are separately and independently generated and then recorded as independent groups on a recording medium.

First, with respect to the feature of "said menu thumbnail picture and mark thumbnail picture being generated as respective independent files of a menu thumbnail file and a mark thumbnail file", applicants submit that feature distinguishes over the applied art.

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<sup>2</sup> See for example the present specification at page 30, lines 12-16.

<sup>3</sup> See for example the present specification at page 30, line 16.

The outstanding rejection relied on Haneda to disclose that feature, and the body of the rejection cited Haneda at column 11, lines 14-16 and column 18, lines 54-61,<sup>4</sup> and the “Response to Arguments” cited Haneda at column 28, lines 14-19, to disclose that feature.<sup>5</sup> Applicants traverse that basis for the rejection.

In reply, applicants note Haneda does not even disclose or suggest generating two different types of thumbnails, and thus Haneda does not disclose or suggest generating both a mark thumbnail and a menu thumbnail, particularly as those features are clarified in the claims. At column 11, lines 14-16, Haneda merely discloses dividing a photographic field into a plurality of image blocks, and at column 18, lines 54-61 Haneda merely discloses that image files can be classified according to a prescribed album format and that so-called thumbnail files can be generated. In none of those portions does Haneda disclose or suggest generating two different types of thumbnails that would be independently generated and put into independent files. At each of the noted portions at most Haneda discloses generating one type of thumbnail. Thereby, those disclosures in Haneda are not at all directed to the claimed features.

Further, the disclosure in Haneda at column 28, lines 14-19 is merely part of claim 20 and indicates that reduced-image files can be generated. That disclose is also not at all directed to generating two different types of thumbnails as independent files.

In such ways, the claims as written clearly distinguish over the previous basis for the rejection.

Moreover, none of the cited art discloses or suggests the further claimed features of “said menu thumbnail file includes only one thumbnail picture per a playlist, the playlist indicating a database of a group of playback domains of the input moving picture data”, and

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<sup>4</sup> Office Action of April 9, 2007, middle of page 7.

<sup>5</sup> Office Action of April 9, 2007, page 2 fourth paragraph.

further “wherein said menu thumbnail picture is selected from a picture of contents or a picture stored in an external device”.

In that respect applicants also note both of the cited references to Kikuchi and Itoh do not disclose or suggest generating two different types of thumbnails. Kikuchi merely discloses a single thumbnail video encoder 58. Kikuchi clearly does not disclose or suggest generating two different thumbnails, and particularly the menu thumbnail and mark thumbnail as now clarified in the claims.

Itoh also merely discloses generating a single type of thumbnail. Itoh does not disclose or suggest generating two different thumbnails of a mark thumbnail and a menu thumbnail, particularly as those thumbnails are now clarified in the claims.

As such, even if one of ordinary skill in the art were to combine the teachings of Kikuchi in view of Itoh, that would only result in the single thumbnail of Itoh being utilized. That is clearly the case because neither reference discloses or suggests forming two different thumbnails.

Moreover, neither Kikuchi nor Itoh discloses or suggests the specific features now even further clarified in the claims directed to the menu thumbnail “including only one thumbnail picture per a playlist”, and “said menu thumbnail picture is selected from a picture of contents or a picture stored in an external device”.

In such ways, the claims as written are believed to clearly distinguish over Kikuchi in view of Itoh.

The deficiencies of Haneda have also been discussed above, and Haneda does not cure any of the further above-discussed deficiencies of Kikuchi in view of Itoh, and that is also particularly the case as Haneda also does not disclose or suggest forming two different types of thumbnails.

Moreover, no teachings in Srinivasan cure the above-discussed deficiencies of Kikuchi in view of Itoh.

In view of the foregoing comments, applicants respectfully submit the claims as written distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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